

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN REGINALD MCGATHON,  
Plaintiff,  
  
v.  
  
D. PETROVIC, et al.,  
Defendants.

Case No. [14-cv-00028-JSC](#) (PR)**ORDER DENYING APPOINTMENT OF  
COUNSEL; EXTENDING TIME**

Dkt. Nos. 17, 21

Plaintiff, a California prisoner proceeding pro se, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983. He has filed a motion for appointment of counsel. There is no constitutional right to counsel in a civil case. *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981). 28 U.S.C. § 1915 confers on a district court only the power to "request" that counsel represent a litigant who is proceeding in forma pauperis. 28 U.S.C. § 1915(e)(1). The Court has only the power to ask pro bono counsel to represent plaintiff, not the power to "appoint" counsel. Here, plaintiff has presented his claims adequately and the issues are not particularly complex. The motion (docket number 21) is DENIED. The Court will, on its own initiative, refer the case for identification of pro bono counsel if and when the circumstances of the case warrant such appointment.

//

//

1 Good cause appearing, Defendants' motion for an extension of time in which to file  
2 a motion for summary judgment, to and including October 14, 2014, is GRANTED. In  
3 accordance with the Order of Service, Plaintiff's opposition is due within 28 days of the  
4 date the motion is filed, and Defendants shall file a reply brief no later than 14 days after  
5 the opposition is filed. All other provisions of the Order of Service remain in effect.

6 **IT IS SO ORDERED.**

7 Dated: August 4, 2014

8   
9 

---

JACQUELINE SCOTT CORLEY  
United States Magistrate Judge

United States District Court  
Northern District of California